

**REMARKS**

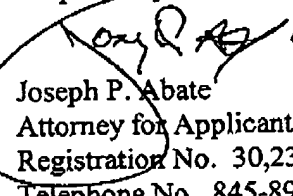
Applicant filed a Request for a RCE with an Information Disclosure Statement on/about August 21, 2003.

Applicant received a Notice of Improper Request for Continued Examination (RCE) - copy attached.

Applicant submits the instant amendment which Applicant believes completes the submission required under 37 C.F.R. 1.114.

Entry of this Amendment, consideration of the IDS and of Claims 1-5 are solicited.

Respectfully submitted,

 9-17-03  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,997	01/08/2001	Caroline Boulenger	FR919990065	6885

32074 7590 09/05/2003  
INTERNATIONAL BUSINESS MACHINES CORPORATION  
DEPT. 18G  
BLDG. 300-482  
2070 ROUTE 52  
HOPEWELL JUNCTION, NY 12533

JPA

EXAMINER  
NOVACEK, CHRISTY L

ART UNIT 2822  
PAPER NUMBER

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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2003 SEP 11 A 12:46



Commissioner for Patents  
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APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

DATE MAILED:

## NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 8-21-03 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.114 has been filed in the same or parent application (including a previously filed CPA) that was filed on or after June 8, 1995, the request for a CPA has been treated as an RCE under 37 CFR 1.114. If a request for a CPA is filed in such application, the constructive RCE, however, is not determined under 37 CFR 1.114.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

Tim Bell Examining Group 2800

(703) 30 6-5063  
FORM PTO-2051 (Rev. 3/2001)